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Law Department

VIA AIRBORNE

October 31, 1994

Benjamin M. Cohan (3RC11)
Assistant Regional Counsel
U. S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107

IN THE MATTER OF:
USX CORPORATION
Clairton and
Edgar Thomson Facilities
Docket No. CAA-III-049

Dear Mr. Cohan:

Enclosed is a copy of the Answer filed in the above-captioned matter. Per our conversation, U. S. Steel would like to discuss all outstanding issues related to both the Administrative Order and the Complaint at the informal settlement conference. I look forward to working with you to resolve these issues.

Very truly yours,

Camille A. Corbin
Attorney - Environmental

CAC:mmh
Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

Docket No. CAA-III-049

USX CORPORATION

Clairton and Edgar Thomson Facilities

ANSWER

Respondent.

Counsel of Record:

Camille A. Corbin, Esquire
Pa. I.D. No. 66050

USX Corporation
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Room 1515
Pittsburgh, PA 15219-4776

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	Docket No. CAA-III-049
)	
)	
USX CORPORATION)	
)	
Clairton and)	
Edgar Thomson Facilities)	
)	ANSWER
Respondent.)	
)	
_____)	

ANSWER TO COMPLAINT

AND NOW COMES, the Defendant/Respondent, USX Corporation (hereinafter referred to as "USX"), through its counsel, Camille A. Corbin, and answers the complaint of the United States Environmental Protection Agency and states as follows:

ANSWER

1. Paragraphs 1 through 7 state conclusions of law to which no response is required. To the extent such paragraphs contain allegations of fact, USX specifically denies each such allegation.
2. USX admits it received a Notice of Violation as alleged in Paragraph 8, but denies the violations alleged in the Notice of Violation.
3. Paragraph 9 states conclusions of law to which no response is required. To the extent the paragraph contains allegations of fact, USX specifically denies each such allegation.
4. USX admits the allegations contained in paragraphs 10 through 12.

5. USX repeats and incorporates by reference its answers to Paragraphs 1 through 12, inclusive, as though fully set forth herein in response to the averments of Paragraph 13.

6. Paragraphs 14 through 15 state conclusions of law to which no response is required. To the extent such paragraphs contain allegations of fact, USX specifically denies each such allegation.

7. USX specifically denies the allegations in Paragraph 16 pertaining to USX. USX is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 16, and upon that basis, denies such remaining allegations.

8. Paragraph 17 states legal conclusions to which no response is required. To the extent the paragraph contains allegations of fact, USX denies each such allegation.

9. USX repeats and incorporates by reference its answers to Paragraphs 13 through 17, inclusive, as though fully set forth herein in response to the allegations in Paragraph 18.

10. USX specifically denies the allegations in Paragraph 19 pertaining to USX. USX is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 19, and upon that basis, denies such remaining allegations.

11. USX specifically denies the allegations in Paragraph 20 pertaining to USX. USX is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 20, and upon that basis, denies such remaining allegations.

12. USX specifically denies that any penalty is due and owing in this action and USX objects to the proposed penalty in that it is wholly unreasonable, arbitrary and capricious, and constitutes an abuse of discretion and is not in accordance with the law.

AFFIRMATIVE DEFENSES

And for its affirmative defenses Respondent avers:

1. That Respondent did not violate 25 Pa. Code § 123.51 by failing to install, operate and maintain continuous NO_x monitoring systems, at its Edgar Thomson plant Boilers Nos. 1, 2 and 3, its Clairton Works Boilers Nos. 1 and 2 and its Clairton Works Battery "B" unit. To the contrary, Respondent has installed, and continues to operate and maintain, a parametric monitoring system on its Edgar Thomson plant Boilers Nos. 1, 2 and 3 and its Clairton Works Boilers Nos. 1 and 2 in order to meet the requirements of 25 Pa. Code § 123.51. Respondent avers that such parametric monitoring system meets the

intent and spirit of the law and fully complies with the requirements of 25 Pa. Code § 123.51.

2. That Respondent has submitted the results of the parametric monitoring system to EPA, the Pennsylvania Department of Environmental Resources, and the Allegheny County Bureau of Environmental Quality.

3. That Respondent is entitled to a hearing of such Complaint as the United States Environmental Protection Agency's action was based neither on law nor fact and:

a. is arbitrary, capricious, and constitutes an abuse of discretion and is otherwise not in accordance with law; and

b. the findings of fact and the Complaint based thereon are unsupported by substantial evidence.

4. USX therefore seeks review of the Complaint, in toto, and respectfully requests a hearing on such matter.

WHEREFORE, USX prays that Complainant's Order be dismissed in its entirety, with costs to Complainant, and for such other relief that this court may deem just and proper.

Respectfully submitted,



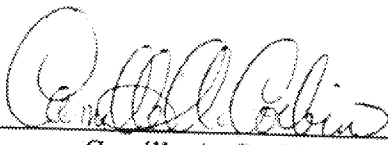
Camille A. Corbin
Attorney for Respondent

Date: 10/31/94

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 31, 1994, a copy of the foregoing Petition for Review was sent by Airborne Express to:

Benjamin M. Cohan (3RC11)
Assistant Regional Counsel
U. S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107



Camille A. Corbin